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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,710	05/31/2001	Matsuo Yomogida	010705	6218
38834	7590	01/06/2004	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP			FRANKLIN, JAMARA ALZAIDA	
1250 CONNECTICUT AVENUE, NW				
SUITE 700			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036			2876	

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/867,710	YOMOGIDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jamara A. Franklin	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
  - 2a) This action is FINAL.                    2b) This action is non-final.
  - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-22 and 35-58 is/are pending in the application.
  - 4a) Of the above claim(s) 23-34 is/are withdrawn from consideration.
  - 5) Claim(s) 3,4,9,10,13,14,17,18,21,22 and 35-46 is/are allowed.
  - 6) Claim(s) 1,2,5,6,47 and 48 is/are rejected.
  - 7) Claim(s) 7,8,11,12,15,16,19,20 and 49-58 is/are objected to.
  - 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>501</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 23-34 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 1003.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: bar code reader comprising a rotatory optical deflector position detector.

### ***Claim Objections***

3. Claims 1-4, 7-18, 36, 37, 41-44, 47, 49, 50, 53, and 54 are objected to because of the following informalities:

in claim 1, line 13, substitute the first occurrence of “the” with --a--;

in claim 2, line 15, substitute the first occurrence of “the” with --a--;

in claim 3, line 15, substitute “the” with --a--;

in claim 3, line 19, substitute the first occurrence of “the” with --a--;

in claim 4, line 17, substitute “the” with --a--;

in claim 4, line 21, substitute the first occurrence of “the” with --a--;

in claim 7, line 3, delete “type”;

in claim 8, line 3, delete “type”;

in claim 9, line 3, delete “type”;

in claim 10, line 3, delete “type”;

in claim 11, line 2, substitute “it” with --the strip--;

in claim 11, line 2, substitute “the” with --an--;

in claim 12, line 2, substitute “it” with --the strip--;

in claim 12, line 2, substitute “the” with --an--;

in claim 13, line 2, substitute “it” with --the strip--;

in claim 13, line 2, substitute “the” with --an--;

in claim 14, line 2, substitute “it” with --the strip--;

in claim 14, line 2, substitute “the” with --an--;

in claim 15, line 2, substitute the first occurrence of “the” with --an--;

in claim 16, line 2, substitute the first occurrence of “the” with --an--;

in claim 17, line 2, substitute the first occurrence of “the” with --an--;

in claim 18, line 2, substitute the first occurrence of “the” with --an--;

in claim 36, line 6, delete the second occurrence of “the”;

in claim 37, line 7, delete “type”;

in claim 41, line 2, substitute “they” with --the strips--;

in claim 42, line 2, substitute “they” with --the strips--;

in claim 43, line 2, substitute the first occurrence of “the” with --an--;

in claim 44, line 2, substitute the first occurrence of “the” with --an--;

in claim 47, line 10, substitute “;” with --.--;  
in claim 49, line 6, delete “type”;  
in claim 50, line 6, delete “type”;  
in claim 53, line 2, substitute “they” with --the pair of strips--; and  
in claim 54, line 2, substitute “they” with --the pair of strips--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5, 6, 47, and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Khowles (US 4,958,894).

Khowles teaches a bar code reader provided with a laser diode and a rotatory optical deflector (light reflective means 28) for deflecting a laser beam (22) emitted by the laser diode for scanning, said bar code reader comprising:

a rotation position detection means for detecting a rotation position of the rotatory optical deflector at a position corresponding to or before a reading start edge of a laser beam (22) scanning range of a bar code (col. 5, lines 61-64);

a means for starting bar code reading by rotating the rotary optical deflector (28) again

after stopping rotation of the rotary optical for only a predetermined time length upon the rotation position detection means detecting the rotation position of the rotary optical deflector (28) (col. 5, lines 43-64);

a means for stopping (bumpers 74) the rotation of the rotatory optical deflector (28) for only a predetermined time length upon a laser beam scanning time length reaching a preset scanning time length up to a final position of the bar code reading after the bar code reading is started by the means for starting the bar code reading (col. 5, lines 43-64);

the reader further comprising a means for setting the scanning time length up to the final position of the bar code reading (col. 6, lines 53-58); and

the reader further comprising a means for setting the predetermined time length during which rotation of the rotary optical deflector (28) is stopped (col. 6, lines 53-58);

*Allowable Subject Matter*

6. Claims 7, 8, 11, 12, 15, 16, 19, 20, 49-58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 3, 4, 9, 10, 13, 14, 17, 18, 21, 22, 35-46 are allowable over prior art.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach, or fairly suggest either alone, or in combination thereof, a bar code reader having a means for stopping rotation of the rotary optical deflector through locking

upon the laser beam scanning time length reaching a preset scanning time length up to a center position of the laser beam scanning range of the bar code after the rotation position detection means detecting the rotation position of the rotary optical deflector in a case of the manual scanning being selected.

Also, the prior art of record fails to teach, a bar code reader wherein the rotation position detection means is comprised of a sensing indicator provided on or at a predetermined interval in the direction of rotation of the rotary optical deflector.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Belknap et al. (US 6,454,169) teach methods and apparatus for obtaining and maintaining position information for a rotating optical element in a bar code scanner.

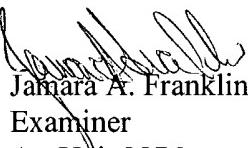
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is 703-305-0128. Effective as of January 15, 2004, the telephone number will be 571-272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Jamara A. Franklin  
Examiner  
Art Unit 2876

JAF  
December 18, 2003

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800